

Planning Agenda # _____

**City of Wichita
City Council Meeting
June 13, 1995**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1907 REQUEST TO VACATE A UTILITY
EASEMENT LOCATED NORTH OF CENTRAL AND WEST OF TYLER
(District #5)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement.

MAPC Recommendation: Approve vacation of utility easement. (unanimous)

Background: The vacation is being requested to allow for expansion of an existing development at this site. A water line has been relocated to allow for this vacation and a substitute easement is also being provided. Both City Engineering and the Water Department have indicated that these changes are acceptable. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest.

Recommendations/Actions: Accept the substitute utility easement; close the public hearing; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order and the utility easement (recorded); recording costs to be billed to: 150029-2909

MICROFILMED
OF RECORD

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**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

IN THE MATTER OF THE VACATION OF)
A UTILITY EASEMENT)
)
GENERALLY LOCATED NORTH OF CENTRAL) Case No. V-1907
AND WEST OF TYLER)
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 13th day of June, 1995, comes on for hearing the petition for vacation filed by T.V. Realty, L.L.C., praying for the vacation of the following described utility easement, to-wit:

Commencing at the N.E. Corner of Lot 4, Block A, Four H Addition, Wichita, Sedgwick County, Kansas; thence S 00° E, along the east line of said Lot 4, 10 feet to the point of intersection of the south line of a 20 foot utility easement as platted in said Four H Addition with said east line; thence S 88°59'12"W, parallel with the north line of said Lot 4 and along said south easement line, 237.21 feet to the east line of a utility easement as described in Film 1342, Page 784; thence S 1°44'55" E, along said east easement line, 267.33 feet for a place of beginning; thence continuing S 1°44'55" E, along said east easement line, 48.09 feet to the S.E. Corner of said utility easement; thence S 88°15'05" W, along the south line of said utility easement, 36 feet to the southerly most S.W. Corner of said utility easement; thence N 1°44'55" W, along the west line of said utility easement, 35 feet to a corner in said west easement line; thence N 88°15'05" E, along said west easement line 16 feet to a corner in said west easement line; thence N 1°44'55" W, along said west easement line, 13.09 feet; thence N 88°15'05" E, perpendicular to the previously described line, 20 feet to the point of beginning.
(V-1907)

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

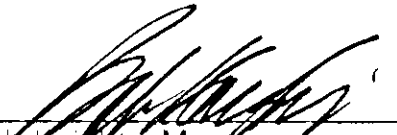
300
JCK

Vacation Order
V - 1907

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1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter of notice of this vacation proceeding for consecutive weeks on 5/26/95 + 6/2/95
2. No private rights will be injured or endangered by the vacation of the above-described utility easement, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation of the utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of June, 1995, ordered that the above-described utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.


Bob Knight, Mayor

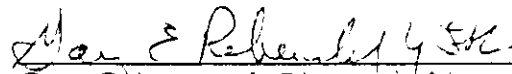
ATTEST:


Pat Burnett, Deputy City Clerk



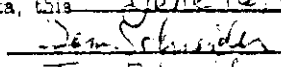
STATE OF KANSAS)
SEDGWICK COUNTY)
FILED FOR RECORD AT
10-00
1463028 -712
PAT KETTLER
REGISTER OF DEEDS

Approved as to Form:


Gary Rebenstorf, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)

I, Tom Schneider, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.

Given under my hand and seal of the City of Wichita, this June 16, 1995

Tom Schneider, Deputy City Clerk

